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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,796	03/18/2004	Carol Falkner	FALKNER-CONDON-SEAT	5604
4988	7590	12/01/2005	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/803,796	Applicant(s) FALKNER ET AL.	
	Examiner Anne Marie M. Boehler	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, line 4, applicant claims the front mounting clamp located on the steering post. However, the disclosed embodiment shows the clamp mounted to the seat post, not the steering post.

In claim 8, lines 7-9, applicant claims a "clamp hving at lest one quick release member nesting in a nesting position in a locking member, wherein said release member is released from said locking member by manual pressure..." However, the terms "locking member" and "release member" are not clearly defined in the specification. The specification refers to a "clamp" 9 that receives ends of rods 3. However, there is no locking member or release member described. The ends of rods 3 are fit in holes in the clamp, but are not locked in position.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (USPN).

Baron shows a quick release carrier 10 which is capable of being used to hold a doll seat. It incudes a mounting clamp 17 removably attached to a bicycle frame member 21. Front support rods 13, 14 have quick release ends mountable in a first

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clamp 17. Rear support rods 23, 24 have bent (or twisted) ends 25 that engage holes in a second clamp 17.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blood (USPN 480,760).

Blood shows a carrier with seat G including front support rods E and twisted rear support rods H quick-release mounted to the bicycle frame. The front support rods (mounted to the front of the carrier) are received in clamps I mounted to the steering post B through handlebar C.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dreiling (USPN 5,845,830).

Dreiling shows a doll carrier with seat 14 mountable to a child's bicycle using a removable clamp 28.

6. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Newbold.

Newbold shows a carrier seat 16 with clamp having a manually releasable release member 30 that can be positioned in locking member 60 to mount the carrier seat to a bicycle frame.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dreiling in view of Siboni.

Dreiling lacks a doll helmet for the doll carrier.

Siboni shows a doll with a helmet.

It would have been obvious to one of ordinary skill in the art to provide the doll of Dreiling with a helmet, as taught by Siboni, in order to demonstrate safe riding of a bicycle. It would, alternatively, have been obvious to mount a doll having a helmet, of the type taught by Siboni, on the carrier of Dreiling in view of the Dreiling teaching to mount a doll in the carrier seat, in order to provide the child with an amusing toy.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meier shows an easily removable bicycle carrier.

Chreist shows a boll carrier removably mounted to a child's cycle.

Lui shows a boll with a helmet.


Schimmels, Reminger, Sager, Pawsat, and Paterson show removable bicycle mounted carriers.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 11/28/15
Anne Marie M. Boehler
Primary Examiner
Art Unit 3611

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